

1  
2  
3  
4  
5  
6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

10 CLRB Hanson Industries, LLC, et al.,

NO. C 05-03649 JW

11 Plaintiffs,

12 v.

13 Google Inc., et al.,

14 Defendants.  
15 \_\_\_\_\_/

**ORDER DENYING DEFENDANT'S  
REQUEST FOR THE COURT TO  
WITHDRAW ITS AUGUST 21, 2007,  
ORDER FROM THE PUBLIC RECORD**

16 Before the Court is Defendant Google's request that the Court withdraw its August 21, 2007  
17 Order<sup>1</sup> from the public record until a sealing order can be entered to protect Google's allegedly  
18 confidential information. (Letter from Google's Counsel dated August 28, 2007.) Plaintiffs oppose  
19 this designation on the ground that it violates the parties' stipulated Protective order entered on May  
20 15, 2007, which prohibits blanket designations of confidentiality as required by Civil Local Rule 79-  
21 5(a). (Letter from Plaintiffs' Counsel dated August 29, 2007.)

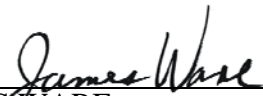
22 Rule 79-5(a) provides, "No document may be filed under seal" or "closed to inspection by  
23 the public, except pursuant to a Court order." A request to seal must be "narrowly tailored to seek  
24 sealing of only sealable material." Civ. L.R. 79-5(a). Moreover, "[a]s a public forum, the Court has  
25 a policy of providing to the public full access to papers." *Id.* (Commentary).

26 \_\_\_\_\_  
27 <sup>1</sup> (Order Denying Plaintiffs' Motion for Partial Summary Judgment; Granting in Part and  
28 Denying in Part Defendant's Motion for Summary Judgment, hereafter, "Order," Docket Item No. 193.)

1 Defendant asks the Court to contravene the principles of Rule 79-5(a) by removing from  
2 public view underlying factual support for its Order, which does not disclose with particularity any  
3 of Defendant's protectable information. Notably, the Order does not describe any of the  
4 Defendant's algorithms or source code. (See Order.) Thus, withdrawing its Order from public view  
5 would not be a "narrowly tailored" approach to protect Defendant's allegedly confidential  
6 information.

7 Accordingly, the Court DENIES Defendant's request to withdraw its Order from the public  
8 record. The Court will not entertain further motions on this issue.

9  
10 Dated: September 21, 2007

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

**United States District Court**

For the Northern District of California

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

Adel A. Nadji anadji@audetlaw.com  
Christopher M. Jhang cjhang@perkinscoie.com  
David T. Biderman dbiderman@perkinscoie.com  
Judith B. Gitterman gittj@perkinscoie.com  
Lester L Levy llevy@wolfpopper.com  
Lisa Delehunt Olle lolle@perkinscoie.com  
Michele Fried Raphael mraphael@wolfpopper.com  
William M. Audet waudet@audetlaw.com

**Dated: September 21, 2007**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers**

**Elizabeth Garcia**  
**Courtroom Deputy**